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February 4, 2004

Commission Secretary
Federal Election Commission
999 E. Street, NW
Washington, DC 20463

Re: Draft Advisory Opinion 2003-37

Dear Commission Secretary:

On behalf of the Michigan Nonprofit Association, representing over 750 nonprofits across the state, I urge the Commission not to issue this draft advisory opinion regarding the advocacy efforts of Americans for a Better Country (ABC) and its significant ramifications for all nonprofits involved in advocacy.

As you already know organizations deemed 501(c)(3) by the IRS, are forbidden from electioneering however they are permitted to lobby within limits. The Opinion, because of its broad scope, will put additional restrictions if not halt many advocacy activities of organization's with charitable missions. These efforts include advocating in support or opposition to issues that affect the lives of those they serve and the resources they protect. At times these efforts may include communications that reference elected officials.

According to this Opinion, these communications would no longer be allowed unless groups raised and spent funds in accordance with the limitations of the Federal Election Campaign Act. This would mean that many local and state organizations, which policymakers and the public want to hear from, would be unable to advocate on behalf of those they serve. This barrier is due to limitations with the 501(c)(3) tax code, which prohibits charities from having separate funds for political activity, and the lack of capacity and resources of organizations to form groups that allow for this activity.

Again, I urge you to reevaluate the content of this opinion and consider its current broad implications for charities across the country.

Sincerely,

Sam Singh
President and CEO

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